

HCS SB 739 -- ADMINISTRATIVE CHILD SUPPORT ORDERS AND THE  
SENTENCING ADVISORY COMMISSION

SPONSOR: Keaveny (Cox)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary  
by a vote of 11 to 0.

This substitute authorizes administrative hearing officers from the Department of Social Services to set aside or correct specified administrative child support decisions or orders and proposed administrative modifications of a judicial order. The authority to set aside or correct decisions, orders, or modifications must be done after written notice and an opportunity to respond to all parties. The substitute specifies the conditions and timeframe under which the corrections can be made due to oversights or omissions or errors arising from mistake, fraud, surprise, misrepresentation, excusable neglect, or inadvertence.

Any administrative decision or order or proposed administrative modification may be vacated by a hearing officer upon his or her own initiative, by written motion filed by the Family Support Division within the Department of Social Services, or any party to the action if the officer determines that the decision or order was issued without subject matter jurisdiction, without personal jurisdiction, or without affording the parties due process and the decision, order, or modification has not been filed with the court. No order, decision, or modification may be vacated after 90 days from the mailing of the administrative decision, order, or proposed modification of a judicial order or during the court's review of the decision, order, or proposed order as authorized under Sections 536.100 to 536.140, RSMo.

The substitute repeals the provisions requiring the Sentencing Advisory Commission to establish a system of recommended sentences for each felony committed in the state and to distribute its recommendations to all sentencing courts in the state and to revise the recommended sentences every two years. These provisions cannot be construed to allow the commission to issue recommended sentences in specific cases pending in the courts of this state.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill allows administrative hearing officers in the Department of Social Services to correct a mistake without having to go to court. Currently, if there is an error on a birth date or a middle initial, they must go to

court to correct the error. Either party can still petition the court for a review of a change. Currently, the administrative law judge loses jurisdiction after so many days, and they cannot correct these types of errors. There is no cost and may result in cost savings because they would not have to go the court level to correct a simple mistake. The court will still have to approve any other type of order.

Testifying for the bill were Senator Keaveny; and Department of Social Services.

OPPONENTS: There was no opposition voiced to the committee.